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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 UNITED STATES OF AMERICA, )  
09 Plaintiff, ) Case No. CR00-416-TSZ  
10 v. )  
11 FERDINAND CLAY, ) SUMMARY REPORT OF U.S.  
12 Defendant. ) MAGISTRATE JUDGE AS TO  
ALLEGED VIOLATIONS  
OF SUPERVISED RELEASE  
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14 An initial hearing on a petition for violation of supervised release was held before the  
15 undersigned Magistrate Judge on August 12, 2009. The United States was represented by  
16 Assistant United States Attorney Lawrence Lincoln, and the defendant by Stewart P. Riley.  
17 The proceedings were digitally recorded.

18 The defendant had been charged and convicted of Bank Fraud and Conspiracy to  
19 Commit Bank Fraud, in violation of 18 U.S.C. § 1344 and 371. On or about March 9, 2001,  
20 defendant was sentenced by the Honorable Thomas S. Zilly to a term of 15 months in  
21 custody, to be followed by 5 years of supervised release.

22 The conditions of supervised release included the requirements that the defendant  
23 comply with all local, state, and federal laws, and with the standard conditions. Special  
24 conditions imposed included, but were not limited to, substance abuse and mental health  
25 programs, financial disclosure, \$350,000 restitution, search and no new lines of credit, loans,  
26 without prior approval of USPO.

01 In a Petition for Warrant or Summons, August 3, 2009, U.S. Probation Officer  
02 Jennifer J. Tien asserted the following violations by defendant of the conditions of his  
03 supervised release:

- 04 (1) Failing to report to the probation office as instructed on July 23 and 30, 2009,  
05 in violation of standard condition number three.
- 06 (2) Failing to submit to random urinalysis testing on July 23, 2009, in violation of  
07 the special condition of drug aftercare.

08 In a Supplemental Violation Report dated August 11, 2009, U.S. Probation Officer  
09 Jennifer J. Tien asserted the following supplemental violations by defendant of the conditions  
10 of his supervised release:

- 11 (3) Consuming alcohol on or before June 27, 2009, in violation of the special  
12 condition of drug aftercare.
- 13 (4) Driving a motor vehicle without a valid driver's license on or about June 27,  
14 2009, in violation of the general condition that the defendant not violate any  
15 federal, state, or local laws.
- 16 (5) Driving under the influence of alcohol on or before June 27, 2009, in violation  
17 of the general condition that the defendant not violate any federal, state, or  
18 local laws.
- 19 (6) Associating with a known felon, Rusco Frith, on or about June 27, 2009,  
20 without the approval of his probation officer, in violation of standard condition  
21 number 9.

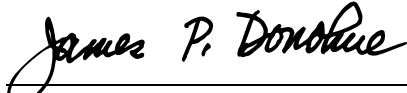
22 The defendant was advised of the allegations and advised of his rights. Defendant  
23 admitted to violations 1, 2, 3, 4, 5 and 6.

24 I therefore recommend that the Court find the defendant to have violated the terms  
25 and conditions of his supervised release as to violations 1, 2, 3, 4, 5 and 6, and that the Court  
26 conduct a hearing limited to disposition. A disposition hearing on these violations has been

01 set before the Honorable Thomas S. Zilly on September 3, 2009 at 1:30 p.m.

02 Pending a final determination by the Court, the defendant has been detained.

03 DATED this 12th day of August, 2009.

04   
05 JAMES P. DONOHUE  
06 United States Magistrate Judge

07  
08 cc: District Judge: Honorable Thomas S. Zilly  
09 AUSA: Mr. Andy Colasurdo  
10 Defendant's attorney: Mr. Stewart Riley  
11 Probation officer: Ms. Jennifer J. Tien  
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